

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In re: JOHN FORREST
KATHRYN FORREST
Debtor(s)

BK No.: 1:09-bk-12690
Chapter 13

OBJECTION TO MOTION FOR RELIEF FROM STAY

Debtors, by their Attorney, object to the Motion for Relief from Stay for the following reasons:

1. The loan servicer lacks standing to file this Motion.
2. The alleged claimant lacks standing to file this Motion.
3. The Bankruptcy Form R filed by Jennifer Ward, the “Bankruptcy Specialist”, on information and belief, is not based on the personal knowledge of said individual and constitutes inadmissible hearsay.
4. On information and belief, all parties to the securitized transaction involving this mortgage, including Wells Fargo Bank N.A. as Trustee, have been paid in full, either by insurers or loan servicers. Thus Wells Fargo as Trustee has no claim for past due amounts.
5. The real party in interest is not filing the Motion for Relief From Stay in this matter.
6. Wells Fargo, as Trustee, has not received a validly assigned mortgage in this matter and thus any claim that it holds is as an unsecured claim holder.
7. The calculations by the Bankruptcy Specialist in Form R do not comport with the actual payments pursuant to the promissory. An inappropriate allocation of payments to suspense account are being made by the loan servicer.

8. The Debtors have requested loss mitigation and seek a HAMP modification of the loan. They qualify for said modification.

9. Debtors request the opportunity for discovery and request an evidentiary hearing in this matter.

Wherefore, Debtors object to this Motion and demand Judgment in their favor and a stay of any proceedings, pending the result of the loss mitigation process.

November 29, 2009

JOHN FORREST
KATHRYN FORREST

By their Attorney

/s/ John B. Ennis, Esq.
JOHN B. ENNIS, ESQ
#2135
1200 Reservoir Avenue
Cranston, RI 02920
(401) 943-9230

CERTIFICATE OF SERVICE

I hereby certify that I mailed a copy of the above Objection to Motion for Relief From Stay to the following electronically or by regular mail, postage prepaid on this 29th day of November, 2009:

John Boyajian, Esq.
182 Waterman Street
Providence, RI 02906

Office of the U.S. Trustee
10 Dorrance Street
Room 519
Providence, RI 02903

Joseph M. Dolben, Esq.
999 South Broadway
East Providence, RI 02914

/s/ John B. Ennis, Esq.